

DOCKET NO.: MSFT-0737 / 183219.01
Application No.: 10/017,689
Office Action Dated: July 26, 2005

PATENT

Amendments to the Drawings

The attached sheet(s) of drawings includes changes to Fig 1. The sheet, which includes Fig. 1, replaces the original sheet including Fig 1.

Attachment: Replacement Sheet

REMARKS

Claims 1-20 are pending in the present application, with claims 1, 8, and 13 being the independent claims. In summary of the outstanding Office Action, claims 1-5 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-15, 17-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Asami et al. (U.S. patent application no. 2002/0123991).

Drawings

The drawings were objected for purportedly failing to show necessary textual labels. Applicants have submitted a substitute drawings.

Claim Rejections – 35 USC § 101

Claims 1-5 were rejected under 35 USC § 101 as purportedly directed to non-statutory subject matter. The examiner indicates that the claim is “directed merely to an abstract idea that is not tied to a technological art” Applicants traverse the rejection and respectfully request that the examiner reconsider the rejection in view of *Ex Parte Lundgren* Appeal No. 2003-2088 (BPAI 2005). In that appeal, the board held that:

Our determination is that there is currently no judicially recognized separate "technological arts" test to determine patent eligible subject matter under § 101. We decline to create one. Therefore, it is apparent that the examiner's rejection can not be sustained.

Id. at 7.

Accordingly, the Applicants submit that the claims are directed to a statutory process for querying a data structure in a distributed computing environment.

Claim Rejections – 35 USC § 102

Claims 1-15 and 17-20 stand rejected under 35 USC § 102(e) as purportedly anticipated by Asami et al. (US Patent Application No. 2002/0123991).

Applicants submit that the claims patentably define over Asami at least for the reasons set forth below.

Claim 1, for example, recites:

preparing a query specifying the constraints to be applied on a data structure wherein said data structure is one of multiple data formats;

sending the query to an object wherein said object determines whether an in-memory data structure maintained by said object satisfies the query.

Asami simply does not teach a query that is applied on an in-memory data structure of an object where the data structure can be one of multiple data formats. Rather, Asami teaches queries applied to a database.

Independent claim 8, for example, recites:

a query transmission mechanism for transmitting the type query and the value over a communication network to at least one digital device whereby the digital device compares the data type to a data type of *a data structure that it maintains in-memory* and compares the value to a value stored in the data structure *wherein said data structure is one of at least two different formats*.

(Emphasis added.) For similar reasons to the reasons described above, Asami does not recite querying an in-memory data structure that may be one of multiple formats.

Claim 13, recites:

storing a value in an in-memory data structure in said digital device, said data structure defined by a programming language data type definition

Asami does not teach or suggest querying an in-memory value that is stored as a data type definition.

Inasmuch as claims 2-7, 9-12, 14, and 17-20 depend from independent claims 1, 8 and 13, Applicants submit that they also patentably define over Asami for at least the same reasons.

Claim Rejections – 35 USC § 103

Claim 16 stands rejected under 35 USC § 103(a) as being unpatentable over Asami at al. and further in view of Gombocz (US Patent Application No. 2002/0156792 A1).

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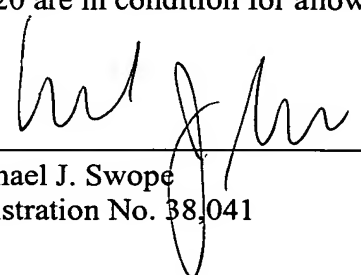
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Inasmuch as claim 16 depends from independent claims 13, Applicants submit that it also patentably defines over Asami in view of Gombocz for at least the reasons set forth above with respect to claim 13.

CONCLUSION

Applicants' representative submits that claims 1-20 are in condition for allowance.

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